

REMARKS

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

A substitute Abstract of the Disclosure is provided on an accompanying separate sheet and is limited to a single paragraph and is believed to address the objection to the abstract noted on page 2 of the Official Action.

Claims 1-25 were previously pending in the application. Claims 3-7, 14-18 and 23-25 are canceled, leaving claims 1, 2, 8-13 and 19-22 for consideration.

Claim 8 is amended to depend from claim 1 and claim 19 is amended to depend from claim 12. Claims 1 and 12 are amended to provide support for the recitations of claims 8 and 19, and thus the 35 USC §112, second paragraph rejection of claims 8 and 19 is believed addressed and withdrawal of the same is respectfully requested.

Canceling claim 25 is believed to obviate the 35 USC §101 rejection.

Claims 1-10, 12-21 and 25 were rejected under 35 USC §103(a) as being unpatentable over LOUI et al. 2003/0007784 and MOORE 2002/0061065. That rejection is respectfully traversed.

Independent claims 1 and 12 are amended to include the subject matter of claims 7 and 18, respectively. Claim 7 is an apparatus claim and claim 18 is a process claim with claim 7

reciting in part a selection means for selecting either of the first to third means (claim 18 includes similar recitations).

The Official Action recognizes that the combination of LOUI and MOORE does not disclose a selection means for selecting either of the first to third means. The position set forth in the Official Action is that a switch for selecting one signal out of many sources is well known in the art and Official Notice is taken that it would have been obvious to incorporate a switch into the apparatus disclosed by LOUI and MOORE so as to select the output from either the first, second and third means to enhance the interface of the apparatus.

However, this position is inconsistent with USPTO Examination Guidelines for determining obviousness in light of the Supreme Court's decision in released on *KSR v. Teleflex* October 10, 2007.

The guidelines state that *Graham v. John Deere Co.*, 383 US 1, 148 USPQ 459 (1966) is the basis for every decision regarding obviousness and the Examiner must consider 1) the scope and content of the prior art, 2) the differences between the claimed invention and the prior art, 3) the level of ordinary skill in the pertinent art, and 4) objective evidence relevant to the issue of obviousness.

In the present case, it appears that such analysis has not been performed. Rather, a conclusory statement has been used based solely on information gleaned from applicant's disclosure.

Figure 19 of MOORE shows a flowchart for MPEG video and Figure 20 of MOORE shows another flowchart for still images. Paragraphs [0385] and [0386] of MOORE disclose different applications of the invention in MOORE. One application is consistent with Figure 19 and MPEG video and the other application is consistent with Figure 20 and still images. MOORE does not recognize the advantage of using a selection means for selecting either the first to third means as recited in amended claim 1.

LOUI is silent as to a selection means.

Although switches are known in the art, their use in the context contemplated by the present invention has not been appreciated by those of ordinary skill in the art and thus, it would not have been obvious to modify LOUI and MOORE in the manner suggested.

If the Examiner persists in maintaining the position set forth in the Official Action, applicant respectfully requests documented evidence of use of the recited selection means in the context of the present invention.

The analysis above regarding claim 1 is equally applicable to process claim 12. The dependent claims are believed patentable at least for depending from an allowable independent claim.

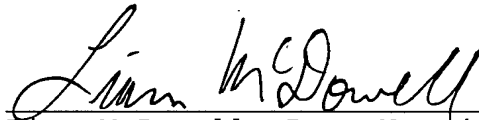
In view of the present amendment and the foregoing remarks, it is believed that the present application has been

placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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Appendix:

The Appendix includes the following item:

- new abstract